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FEDERAL ELECTION
COMMISSION
100 CENTRAL

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

CASE CLOSURES UNDER
ENFORCEMENT PRIORITY SYSTEM

2002 AUG 15 P 3:16

SENSITIVE

GENERAL COUNSEL'S REPORT

I. INTRODUCTION

The cases listed below have been evaluated under the Enforcement Priority System ("EPS") and identified as low priority, stale, or ADR transfers. This report is submitted in order to recommend that the Commission no longer pursue these cases for the reasons noted below.

II. CASES RECOMMENDED FOR CLOSURE**A. Cases Not Warranting Further Action Relative to Other Cases
Pending Before the Commission**

EPS was created to identify pending cases that, due to the length of their pendency in inactive status, or the lower priority of the issues raised in the matters relative to others presently pending before the Commission, do not warrant further expenditures of resources. Central Enforcement Docket ("CED") evaluates each incoming matter using Commission-approved criteria that result in a numerical rating for each case.

Closing

these cases permits the Commission to focus its limited resources on more important cases presently pending in the Enforcement docket. Based upon this review, we have identified cases that do not warrant further action relative to other pending matters. We recommend that all cases be closed.¹ Attachment 1 to this report contains a factual

¹ These cases are: RR02L-03 (15th District Democratic Party); MUR 5242 (Michigan Democratic State Central Committee); MUR 5243 (Oberweis for US Senate, Inc.); MUR 5244 (Skorski for Congress); MUR 5250 (NRCC Economic Recovery Workshop); MUR 5254 (Hampden-Sydney College); MUR 5257 (Tom Feeney); and MUR 5258 (Tom Feeney for Congress).

22-04-406-0241

summary of each case recommended for closure, the case EPS rating, and the factors leading to the assignment of a low priority.

B. Stale Cases

Effective enforcement relies upon the timely pursuit of complaints and referrals to ensure compliance with the law. Investigations concerning activity more remote in time usually require a greater commitment of resources primarily because the evidence of such activity becomes more difficult to develop as it ages. Focusing investigative efforts on more recent and more significant activity also has a more positive effect on the electoral process and the regulated community. EPS provides us with the means to identify those cases that, remain unassigned for a significant period due to a lack of staff resources for an effective investigation. The utility of commencing an investigation declines as these types of cases age, until they reach a point when activation of such cases would not be an efficient use of the Commission's resources.

We have identified cases that have remained on the Central Enforcement Docket for a sufficient period of time to render them stale. We recommend that cases be closed³ and one case continued to be held open.⁴

³ These cases are: MUR 5036 (*National Education Association*); MUR 5037 (*National Education Association*); MUR 5086 (*Federation for American Immigration Reform*); and MUR 5191 (*Democratic State Central Committee*)

⁴ MUR 5042 (*DNC Services Corporation*) is closely related to MURs 4530 (*DNC*), 4531 (*DNC*), 4642 (*DNC*), and 4547 (*John Huang*) presently pending before the Commission, and dismissal at this time seems inappropriate.

2420-904-40-22

IV. RECOMMENDATIONS

OGC recommends that the Commission exercise its prosecutorial discretion and close the cases listed below effective two weeks from the day that the Commission votes on the recommendations. Closing these cases as of this date will allow CED and the Legal Review Team the necessary time to prepare closing letters and case files for the public record.

22.04.406.0243

1. Decline to open a MUR, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letter in:

RR02L-03

2. Take no action, close the file effective two weeks from the date of the Commission vote, and approve the appropriate letters in:

MUR 5086

MUR 5242

MUR 5250

MUR 5258

MUR 5036

MUR 5191

MUR 5243

MUR 5254

MUR 5037

MUR 5244

MUR 5257

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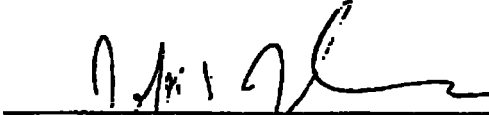
Date



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22-04-406-0244

MUR 5258

Complainant: Eugene Danaher

Respondents: The State of Florida
Tom Feeney for Congress and Nancy H. Watkins, as Treasurer
Tom Feeney
Bridgette Gregory

Allegations: Complainant, Eugene Danaher, alleged that Tom Feeney used his position as Speaker of the Florida House of Representatives to obtain redistricting that would favor him for federal office. Additionally, the complainant alleged that Speaker Feeney used one of his state legislative staff members, Bridgette Gregory, for his federal campaign activities. Specifically, Ms. Gregory allegedly conducted fundraising activities and continued to receive state healthcare benefits while working full-time on Speaker Feeney's campaign for federal office. Further, complainant alleged that Ms. Gregory did not even meet the requirements for employment as a legislative analyst in the state of Florida based on her prior experience.

Responses: Tom Tedcastle, General Counsel for the Florida House of Representatives, replied on behalf of the state of Florida and stated that Ms. Gregory met all the requirements for employment as a legislative analyst in the state of Florida. Mr. Tedcastle further responded that Ms. Gregory took unpaid leave while working on Speaker Feeney's federal campaign, and that the state of Florida had no evidence that Ms. Gregory conducted fundraising activities while working in Speaker Feeney's official state office suite based on a review of her phone records and e-mails. Thus, Mr. Tedcastle concluded that the state of Florida did not violate the Federal Election Campaign Act.

Counsel for Bridgette Gregory, Tom Feeney, and Tom Feeney for Congress and Nancy H. Watkins, as treasurer, responded that no evidence existed to demonstrate that Ms. Gregory participated in Speaker Feeney's federal campaign during her employment with the state of Florida, or that an impermissible transfer of funds from a nonfederal state account to Tom Feeney for Congress Committee's federal campaign account occurred.

This matter is less significant relative to other matters pending before the Commission.

22.04.406.0245